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Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BIKASH MOHAN MOHANTY, On Behalf of )  
Himself and All Others Similarly Situated, )

Plaintiff, )

vs. )

BIGBAND NETWORKS, INC., AMIR )  
BASSAN-ESKENAZI, RAN OZ, FREDERICK )  
BALL, GAL ISRAELY, DEAN GILBERT, )  
KEN GOLDMAN, LLOYD CARNEY, BRUCE )  
SACHS, ROBERT SACHS, GEOFFREY )  
YANG, MORGAN STANLEY & CO., INC., )  
MERRILL LYNCH, PIERCE, FENNER & )  
SMITH, INC., JEFFERIES & CO., INC., )  
COWEN AND CO., INC., AND )  
THINKEQUITY PARTNERS, LLC )

Defendants. )

Case No. 3:07-CV-05101-SBA

[PROPOSED] ORDER GRANTING  
THE MOTION TO CONSOLIDATE,  
TO APPOINT GWYN JONES LEAD  
PLAINTIFF AND TO APPROVE  
PROPOSED LEAD PLAINTIFF'S  
SELECTION OF COUNSEL

DENNIS KOESTERER, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-ESKENAZI, FREDERICK A. BALL,  
RAN OZ, LLOYD CARNEY, DEAN  
GILBERT, KEN GOLDMAN, GAL ISRAELY,  
BRUCH SACHS, ROBERT SACHS, and  
GEOFFREY YANG

Defendants.

Case No. 3:07-CV-05168-MMC

ABRENA WINSTON, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-ESKENAZI, RAN OZ, FREDERICK  
BALL, GAL ISRAELY, DEAN GILBERT,  
KEN GOLDMAN, LLOYD CARNEY,  
BRUCE SACHS, ROBERT SACHS,  
GEOFFREY YANG, MERRILL LYNCH,  
PIERCE, FENNER & SMITH, INC.,  
MORGAN STANLEY & CO., INC., COWEN  
AND CO., JEFFERIES & CO., and  
THINKEQUITY PARTNERS, LLC

Defendants.

Case No. 3:07-CV-05327-JSW

DONALD SMITH, On Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-ESKENAZI, and FREDERICK A.  
BALL

Defendants.

Case No. 3:07-CV-05361-SI

1 WAYNE LUZON, On Behalf of Himself and All )  
Others Similarly Situated, )

2 )  
3 Plaintiff, )  
4 )

5 v. )  
6 )

7 BIGBAND NETWORKS, INC., AMIR BASSAN- )  
8 ESKENAZI, RAN OZ, FREDERICK BALL, GAL )  
9 ISRAELY, DEAN GILBERT, KEN GOLDMAN, )  
10 LLOYD CARNEY, BRUCE SACHS, ROBERT )  
11 SACHS, GEOFFREY YANG, MORGAN )  
12 STANLEY & CO., INC., MERRILL LYNCH, )  
13 PIERCE, FENNER & SMITH, INC., JEFFERIES )  
14 & CO., INC., COWEN AND CO., INC., and )  
15 THINKEQUITY PARTNERS, LLC )

16 Defendants. )  
17 )

18 DEBRA L. BERNSTEIN, Individually and On )  
19 Behalf of All Others Similarly Situated, )

20 )  
21 Plaintiff, )  
22 )

23 v. )  
24 )

25 BIGBAND NETWORKS, INC., AMIR )  
26 BASSAN-ESKENAZI, RAN OZ, FREDERICK )  
A. BALL, GAL ISRAELY, DEAN GILBERT, )  
KENNETH A. GOLDMAN, LLOYD CARNEY, )  
BRUCE I. SACHS, ROBERT J. SACHS, )  
GEOFFREY Y. YANG, MORGAN STANLEY )  
& CO., INCORPORATED, JEFFERIES & )  
COMPANY, INC., MERRILL LYNCH, PIERCE )  
FENNER & SMITH INCORPORATED, )  
COWEN AND COMPANY, LLC and )  
THINKEQUITY PARTNERS LLC, )

Defendants. )  
)

Case No. 3:07-CV-05637-WHA

Case No. 3:07-CV-05825-MHP

EUGENE HAMMER, On Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-ESKENAZI, FREDERICK A. BALL,  
RAN OZ, LLOYD CARNEY, DEAN GILBERT,  
KEN GOLDMAN, GAL ISRAELY, BRUCE  
SACHS, ROBERT SACHS, and GEOFFREY  
YANG

Defendants.

Case No. 3:07-CV-05825-MHP

Before this Court is Proposed Lead Plaintiff Gwyn Jones's motion to consolidate substantially similar cases that include *Koesterer v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05168 MMC, *Winston v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05327 JSW, *Smith v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05361 SI, *Luzon v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05637 WHA, *Bernstein v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05819 CRB, and *Hammer v. BigBand Networks, Inc. et al.*, Case No. 07-cv-05825 MHP currently pending before Judge Sandra B. Armstrong, among others, and/or transfer of this case to Judge Armstrong for purposes of consolidation. Proposed Lead Plaintiff's motion is supported by Gwyn Jones' Motion to Consolidate, to Appoint Gwyn Jones Lead Plaintiff and to Approve Proposed Lead Plaintiff's Selection of Counsel; Memorandum of Points and Authorities in Support Thereof, and the Declaration of Reed R. Kathrein in Support of Proposed Lead Plaintiff's motion is supported by Gwyn Jones' Motion to Consolidate, to Appoint Gwyn Jones Lead Plaintiff and to Approve Proposed Lead Plaintiff's Selection of Counsel.

Having considered the Motion to Consolidate, to Appoint Gwyn Jones Lead Plaintiff and to Approve Proposed Lead Plaintiff's Selection of Counsel, the Memorandum of Points and Authorities in Support Thereof, the Declaration of Reed R. Kathrein in Support of that Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The motion is granted.
2. Class Member, Gwyn Jones is appointed to serve as Lead Plaintiff in the above-captioned consolidated action pursuant to 15 U.S.C. §78u-4(a)(3)(B).
3. The law firms of Hagens Berman Sobol Shapiro LLP and Kahn Gauthier Swick, LLP are appointed Co-Lead Counsel for Plaintiffs in the consolidated action.
4. Co-Lead Counsel shall have authority to speak for Plaintiffs in matters regarding pretrial and trial procedure and settlement negotiations, and shall make all work assignments in

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1 such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid  
2 duplicative or unproductive effort.

3 5. Co-Lead Counsel shall be responsible for coordination of all activities and  
4 appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court.  
5 No motion, request for discovery or other pretrial proceedings shall be initiated or filed by  
6 Plaintiffs except through Co-Lead Counsel.

7 6. Co-Lead Counsel also shall be available and responsible for communications to  
8 and from this Court. Co-Lead Counsel shall be responsible for the creation and maintenance of a  
9 master service list of all parties and their respective counsel.

10 7. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel,  
11 or other duly authorized representatives of Plaintiffs, and such agreements shall be binding on  
12 Plaintiffs.

13 8. This case and Case Nos. 07-cv-05168 MMC, 07-cv-05327 JSW, 07-cv-05361, 07-  
14 cv-05637 WHA, 07-cv-05819 CRB, and 07-cv-05825 MHP are related cases, sharing common  
15 questions of law and fact as contemplated by Fed. R. Civ. P. 42(a).

16 9. Due to the related nature of the referenced matters, it would promote judicial  
17 economy, save the Court and the parties unnecessary costs and delay, and promote consistent  
18 results to consolidate the four cases.

19 10. Accordingly, the Court GRANTS Plaintiff's motion to consolidate this case with  
20 Case Nos. 07-cv-05168 MMC, 07-cv-05327 JSW, 07-cv-05361, 07-cv-05637 WHA, 07-cv-  
21 05819 CRB, and 07-cv-05825 MHP. The cases shall be consolidated into Case No. 07-cv-05101  
22 SBA, the first case filed, and closed. All subsequent papers, pleadings, and motions shall be  
23 filed under the case number 07-cv-05101 SBA, and the consolidated action shall be re-captioned  
24 as *In re BigBand Networks, Inc. Securities Litigation*. Moreover, all consolidated matters are  
25 transferred to Judge Sandra B. Armstrong, who is the presiding judge in the first filed action.  
26

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1           11. This Order (the "Order") shall apply to this action, all actions consolidated herein  
2 and to each case that relates to the same subject matter that is subsequently filed in this Court or  
3 is transferred to this Court and is consolidated with this consolidated action.

4           12. An original of this Order shall be filed by the Clerk in the Master File.

5           13. The Clerk shall mail a copy of this Order to counsel of record in this consolidated  
6 action.

7           14. The Court requests the assistance of counsel in calling to the attention of the Clerk  
8 of this Court the filing or transfer of any case that might properly be consolidated as part of this  
9 consolidated action.

10           15. When a case that arises out of the same subject matter of this consolidated action  
11 is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- 12                   a. File a copy of this Order in the separate file for such action;  
13                   b. Mail a copy of this Order to the attorneys for the Plaintiff(s) in the newly-filed  
14                   or transferred case and to any new Defendant(s) in the newly-filed case; and  
15                   c. Make the appropriate entry in the Master Docket for this consolidated action.

16           16. Each new case that arises out of the subject matter of this consolidated action  
17 which is filed in this Court or transferred to this Court, shall be consolidated with this  
18 consolidated action and this Order shall apply thereto, unless a party objects to consolidation, as  
19 provided for herein, or any provision of this Order, within ten (10) days after the date upon  
20 which a copy of this Order is served on counsel for such party, by filing an application for relief  
21 and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be  
22  
23  
24  
25  
26

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1 construed as a waiver of the Defendants' right to object to consolidation of any subsequently  
2 filed case.

3 IT IS SO ORDERED.

4 Dated: \_\_\_\_\_

SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT JUDGE

5 Submitted By:

6 Dated: December 3, 2007

7 HAGENS BERMAN SOBOL SHAPIRO, LLP

8 By /s/ Reed R. Kathrein  
9 REED R. KATHREIN

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**DECLARATION OF SERVICE**

I hereby certify that on December 3, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached **Electronic Mail Notice List**, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached **Manual Notice List**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of December 2007, at Berkeley, California.

\_\_\_\_\_  
/s/ Reed R. Kathrein  
REED R. KATHREIN

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## Mailing Information for a Case 4:07-cv-05101-SBA

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Lewis Stephen Kahn**  
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- **Reed R. Kathrein**  
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- **Joni L. Ostler**  
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- **Alan Roth Plutzik**  
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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)